



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,729	08/06/2003	Christine Decaria	18,866	8863

23556 7590 04/21/2006

KIMBERLY-CLARK WORLDWIDE, INC.  
401 NORTH LAKE STREET  
NEENAH, WI 54956

EXAMINER

GRAY, PHILLIP A

ART UNIT PAPER NUMBER

3767

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/635,729	<b>Applicant(s)</b> DECARIA, CHRISTINE	
	<b>Examiner</b> Phillip Gray	<b>Art Unit</b> 3767	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/17/03, 9/14/04</u> . | 6) <input checked="" type="checkbox"/> Other: <u>IDS: 10/21/04</u> .                    |

## **DETAILED ACTION**

### ***Specification***

The use of the trademark "Luer" has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner, which might adversely affect their validity as trademarks.

A preliminary examination of this application reveals that it includes terminology which is so different from that which is generally accepted in the art to which this invention pertains that a proper search of the prior art cannot be made. For example: applicant is using the word "luer" to describe the taper of the connector which is not correct based on the trademark of Luer.

Applicant is required to provide a clarification of these matters or correlation with art-accepted terminology so that a proper comparison with the prior art can be made. Applicant should be careful not to introduce any new matter into the disclosure (i.e., matter which is not supported by the disclosure as originally filed).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3767

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2,5-6,10-24,26-34 rejected under 35 U.S.C. 102(b) as being anticipated by Park et al. (U.S. Patent Number 5,399,173). Park discloses a ferrule (see figures 1-13) adapted for use in a feeding tube formed from flexible material comprising: a wall (20) formed from a hard substantially non-deformable material which defines a conduit extending along a central axis between an inlet opening (38) and an outlet opening (24), the wall having a slot (92,94, 98), wherein the slot is configured to receive a protrusion of a connector (figure 13) and releasably interlock the ferrule and connector (figure 8, 12); a first surface defined by a first region of the wall which is inclined relative to the central axis so as to be dimensioned as a first luer (102); and a second surface (70) defined by a second region of the wall which is inclined relative to the central axis so as to be dimensioned as a second luer; wherein the first surface and the second surface are adapted for engagement with a portion of the connector. Park discloses that the ferrule further includes a third surface defined by a third region (58,60) of the wall which is inclined relative to the central axis so as to be dimensioned as a third luer, wherein the third surface is adapted for engagement with a portion of the connector. Park discloses a wall that has a width and the slot extends across a portion and the width of the wall (see figure 5,7,8). Further Park discloses that the first and second regions, that were generally annular in shape (figures 1-4), of the wall defines a first and second segment of the conduit which has a diameter that decreases with increasing distance from the inlet opening. Park discloses a gripping member (figure 5, 70) with at least two outwardly extending annular ribs (72,76) for gripping the feeding tube. Park discloses a

Art Unit: 3767

elastomeric material sealing member (102) configured to assist in maintaining the position of a connector relative to the ferrule. Park discloses first surface taper lock surface and wherein the second surface is a taper lock surface (176, 212). Park further discloses a portion of at least one segment of the conduit is inclined relative to the central axis so as to enable a friction fit with a portion of a connector (column 4 line 55, 62).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-4, 7-9, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park in view of Wyatt et al. (U.S. Patent Number 5,603,706). Park discloses the claimed invention except for the tapered L-shaped slot in the wall, which extends through at least a portion of the end surface of the ferrule and the first portion of the slot generally being in parallel to the central axis, the second portion of the slot being intersecting with the first portion of the slot. Wyatt teaches that it is known to use A tapered L or T-shaped slot in the wall, which extends through at least a portion of the end surface of the ferrule and the first portion of the slot generally being in parallel to the central axis, the second portion of the slot being intersecting with the first portion of the slot, (as set forth in paragraphs at column 6 through 7 and figures 8c and 31), to provide

Art Unit: 3767

a lock tight mating connection for two ends. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the ferrule and external tube as taught by Park with a tapered L or T-shaped slot in the wall, which extends through at least a portion of the end surface of the ferrule and the first portion of the slot generally being in parallel to the central axis, the second portion of the slot being intersecting with the first portion of the slot as taught by Wyatt, since such a modification would provide the ferrule and external tube with a tapered L or T-shaped slot in the wall, which extends through at least a portion of the end surface of the ferrule and the first portion of the slot generally being in parallel to the central axis, the second portion of the slot being intersecting with the first portion of the slot to provide a lock tight mating connection for two ends.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Gray whose telephone number is (571) 272-7180. The examiner can normally be reached on Monday through Friday, 8:30 a.m. to 4:30 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hayes can be reached on (571) 272-4959. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3767

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*PAG*

PAG

*C.*  
**KEVIN SIRMONS**  
**PRIMARY EXAMINER**

*Kevin C. Sirmons*